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RemarksA. Period For Reply

A shortened statutory period was set to expire three months from the Office Action of July 28, 2005. July 28, 2005 plus three months is Friday, October 28, 2005. This Amendment and Remarks is being filed on or before Friday, October 28, 2005 and may be being filed on or before Wednesday, September 28, 2005 (two months from July 28, 2005).

B. Status

The Office Action was made final.

C. Disposition Of Claims

Claims 1-4 and 7-8 are pending.

D. Application Papers

At the appropriate time, approval would be appreciated of the sheet of formal drawing filed with the filing of this case on July 31, 2003.

E. Priority under 35 U.S.C. §§ 119 and 120

Acknowledgment of the claim for foreign priority and of the receipt of the priority document was made in the Office Action dated July 28, 2005. This is appreciated.

As to domestic priority, and as noted above, this case is a continuation-in-part of U.S. Patent Application 10/615,435 filed on July 8, 2003 and claims the benefit thereof.

F. Attachments

Applicant filed four PTO-1449 forms in this application

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on the respective dates of:

- 1) July 31, 2003;
- 2) November 21, 2003 (having a mailing date of November 18, 2003);
- 3) October 13, 2004; and
- 4) November 10, 2004.

All of the listings of references on such forms have been initialed. All of the forms have been signed and returned. This is very much appreciated.

G. Basis for amendments

New claim 7 is identical to claim 1 except that the term "capsular" has been added. Basis for "capsular" is found on page 14, line 17 of the present specification. "Capsular" is not a new issue because "capsule-type" was argued in the Amendment and Remarks of April 25, 2005.

New claim 8 is identical to previous claim 2 except that claim 8 is dependent upon claim 7 instead of claim 1.

H. The Office Action

H.1. Section 1 of the Office Action

Section 1 of the Office Action summarized the present state of prosecution.

H.2. Section 2 of the Office Action

Section 2 of the Office Action withdrew previous rejections made for claims 1-3. This is appreciated.

H.3. Section 3 of the Office Action

Section 3 of the Office Action objected to claims 5 and 6 as being substantial duplicates to claims 3 and 4. Claims 5 and 6 have been canceled herein.

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H.4. Section 4 of the Office Action

Section 4 of the Office Action set forth 35 USC § 102(b).

H.5. Section 5 of the Office Action

In section 5 of the Office Action, claims 1-2 were rejected under 35 U.S.C. 102(b) as being anticipated by Kawajiri et al. (US Pat. 4,873,217). Section 5 of the Office Action provides:

Kawajiri discloses a process of preparing a catalyst by coating the catalytic components on a support by using a centrifugal flow coating device (see col. 23, claim 4).

With respect to the limitation on "the step of carrying out simultaneous revolving and rocking of a treatment container charged with the carrier and a catalyst precursor including the catalytic component", it is considered the claims are met by the teaching of the reference because Kawajiri teaches to perform the process using a centrifugal flow coating device, which involves revolving and rocking of the catalytic materials inside the device at the same time.

Kawajiri discloses the claimed process of preparing a catalyst, thus anticipates the claims. [emphasis added]

The above noted rejection, specifically the underlined assertion, is traversed. In a subsequent Office Action (or Advisory Action), the Examiner is kindly requested to point out where in Kawajiri (the columns and lines) that Kawajiri teaches the step of rocking (of the container, not of the materials inside of the container).

H.6. Section 6 of the Office Action

In section 6 of the Office Action, it was stated that applicants' amendment and response was fully considered. This is appreciated.

Section 6 of the Office Action further provides that a capsule-type supporting container was argued but not claimed. Please note that new claim 7 now claims a capsular treatment container (in contrast to the dish of Kawajiri).

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I. Applicant's discussionI.1. Motion of the container (claimed)

Claim 1 (and claim 7 if claim 7 is considered after final rejection) requires two different motions of the container at the same time. These two different motions of the container are 1) revolving and 2) rocking.

As indicated above, the Examiner is kindly asked to point out where Kawajiri et al. teaches a motion other than revolving.

An airplane may have three different types of motion. These three different types of motion are spin, roll and yaw. An airplane may not spin and spin at the same time. However, an airplane may spin and roll at the same time.

Likewise, claim 1 (and claim 7 if claim 7 can be considered presently) recites two different types of motion at the same time: a simultaneous revolving and rocking. Such do not and cannot describe the same type of motion. Such do not and cannot describe the same type of motion when the specification is consulted. Such do not and cannot describe the same type of motion when a dictionary is consulted.

I.2. Motion of the contents inside of the container is important (but is not claimed)

Different motions of the container will impart different motions to the contents inside of the container. As addressed in the paragraph bridging pages 11 and 12 of the Amendment and Remarks of April 25, 2005, as to the centrifugal flow coating device of the Kawajiri reference, the centrifugal force is applied to the contents of a revolving dish by its revolving, so that the contents of the revolving dish make a spinning movement on their own axes

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and a revolving movement around the center of the revolving of the revolving dish while colliding with a wall with which the dish is equipped at right angles to its bottom surface. At that time, the contents collide with each other and therefore move up and down, but this movement is merely an irregular upward and downward movement of the contents by their collision with each other and is therefore in itself different from the rocking by the movement of the treatment container being used in the claimed invention.

K. Summary

The Kawajiri et al. '217 reference teaches revolving, but not rocking. Independent claim 1 positively claims the step of simultaneous revolving and rocking.

The Examiner is kindly asked to point out where (columns and line numbers) the Examiner finds the teaching for rocking in Kawajiri et al.

The step of revolving is a different motion from the step of rocking.

The present claims claim the motion of the container.


The present claims do not claim the motion of the contents of the container.

Consideration of new claims 7 and 8 would be appreciated. Claim 7 is identical to claim 1, except that claim 7 now recites a capsular treatment container in contrast to the dish of Kawajiri et al.

The Examiner is respectfully invited to make contact with the undersigned by telephone if such would advance prosecution of this case.

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